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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

TREMAINE JATARI SOWELL,

Defendant and Appellant.

G046012

(Super. Ct. No. 11HF2478)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County,
Stephanie George, Judge. Affirmed.

Mark Yanis, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

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Defendant Tremaine Jatari Sowell pleaded guilty to receiving stolen property. (Pen. Code, § 496, subd. (a).) The court dismissed a misdemeanor charge of second degree burglary (Pen. Code, §§ 459, 460, subd. (b)) and obtaining an access card with the intent to defraud. (Pen. Code, § 484e, subd. (a).) Sentence was suspended and the court put defendant on three years' formal probation and ordered he serve 365 days in jail. He was given 30 days' actual and 30 days' conduct credits.

After defendant appealed we appointed counsel to represent him. Counsel filed a brief that set forth the facts of the case and the disposition. He did not argue against defendant but advised the court he had not found any arguments to present on defendant's behalf. (*People v. Wende* (1979) 25 Cal.3d 436.) He suggested two issues to assist us in our independent review of the record.

First, was there a sufficient factual basis to support his plea? The only facts in the record are those in the guilty plea where defendant admitted to knowingly receiving stolen property. This was sufficient to support the plea. Second, did defendant knowingly and intelligently waive his constitutional rights? The plea agreement detailed all of the constitutional rights to which defendant was entitled and was giving up. Defendant initialed each one and his lawyer signed the agreement stating she had advised him of each of the rights waived. At the plea hearing the court inquired if defendant understood he was waiving all of those rights and defendant answered in the affirmative. The only requirement is that defendant expressly waive the rights, not that he do so orally. (*People v. Panizzon* (1996) 13 Cal.4th 68, 80, 84.) There is nothing in the record to suggest defendant did not understand the rights or his waiver.

Defendant was given 30 days to file written argument on his own behalf, which he did not. We examined the entire record to determine if any arguable issues were present, including those suggested by counsel, and found none. (*People v. Wende*, *supra*, 25 Cal.3d at pp. 441-442; *People v. Johnson* (1981) 123 Cal.App.3d 106, 111-112.)

The judgment is affirmed.

RYLAARSDAM, ACTING P. J.

WE CONCUR:

BEDSWORTH, J.

MOORE, J.